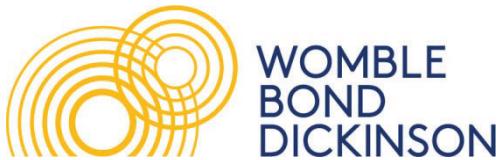


Exhibit 2



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August 18, 2020

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Re: *Food Lion, LLC, and Maryland and Virginia Milk Producers Cooperative Association, Inc. v. Dairy Farmers of America, Inc.*; NCMD 1:20-cv-442

Counsel,

We write in regard to Plaintiffs' Combined Second Set of Requests for Production (the "Second Set") served on July 29, 2020, and request a meet-and-confer regarding the same.

DFA has significant concerns about the Second Set, which contain an additional 46 requests for production, for a total of 54 production requests served to date. That is an extraordinary number of requests in any litigation, but is especially problematic given the expedited discovery schedule in this case and Plaintiffs' representations to the Court that they would take a measured

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and reasonable approach to discovery. Rather than propound narrowly-tailored requests that seek specific categories of documents and information in follow-up to their initial document requests, Plaintiffs chose instead to serve broad-based, kitchen-sink style discovery. That approach is contrary to the scope of discovery permitted by Rule 26 of the Federal Rules of Civil Procedure, the spirit of the Court’s scheduling order, and the Court’s guidance to the parties. DFA has serious concerns about the breadth of Plaintiffs’ requests and the associated burden of responding to those requests. Below are just a few examples of Plaintiffs’ overbroad and/or irrelevant requests:

- Eight requests seek “all” documents and communications on the following “topic”: “Dean, the Asset Sale, the Side Note, the DFA-Dean Supply Agreement(s), or the sale or purchase of raw or fluid milk in the Relevant Area” (emphasis added). As drafted, these requests seek *everything* about Dean. Moreover, they seek *everything* from a nearly five-state area about raw or fluid milk – a shockingly overbroad “topic”, as DFA is a cooperative in the business of buying raw milk and selling raw and fluid milk. The same issues exist regarding the promissory note. Plaintiffs appear to be seeking broad discovery related to a decades-old promissory note, including drafts, negotiation documents, and beyond.
- RFP No. 15 seeks, *inter alia*, every calendar entry relating to the sale of raw milk between Dean and DFA. Similarly, RFP No. 16 asks for “all expense reports, travel reports and itineraries concerning or relating to meetings between DFA and Dean regarding the Asset Sale or any actual or proposed transaction involving Dean.” We fail to see how such information has any relevance to any claim or defense in this matter.
- Although the parties previously negotiated a time period of January 1, 2017 to July 31, 2020, eight requests seek documents *outside* this time period, and in some cases double it. RFP No. 43 provides a striking example of the overbreadth of these requests, as it seeks ““all documents created since January 1, 2014, concerning or relating to *communications between DFA and any MDVA farmer members*.” (emphasis added). Read literally, this request requires (1) the identification of “any MDVA” farmer and (2) a search over a six-and-a-half-year period for any documents *referencing* communications with them. Similarly, RFP No. 27 seeks “[a]ll documents created since January 1, 2014, concerning or relating to MDVA, its farmer members, or any other non-DFA producer of raw milk in the Relevant Area. As such, this request seeks every document related to any non-DFA farmer for the same six-and-a-half-year period.
- Several of Plaintiffs’ requests seek information outside the geographic region previously negotiated by the parties, and seemingly have no relevance to this litigation. RFP No. 40, for example, seeks information



dating back to January 1, 2016 regarding Cumberland Dairy in New Jersey. RFP Nos. 41 and 42 seek information, again going all the way back to January 1, 2013, regarding Kentucky and the entirety of Tennessee, even though FO 5 covers only 33 of Tennessee's 95 counties.

- Some of the requests, such as RFP Nos. 49 and 50, seek information that is plainly protected by attorney-client privilege or work product.

This letter is not meant to provide an exhaustive review or chronicle all of DFA's objections or concerns. Although DFA's written response are not due until August 27, 2020, we request a meet-and-confer as soon as possible. We further request that Plaintiffs be prepared at that meet-and-confer to discuss each of the Second Set in detail, including how the information sought is allegedly relevant to Plaintiffs' specific allegations in this case regarding supposed market foreclosure in North and South Carolina, and that Plaintiffs be prepared to withdraw and/or narrow a significant number of requests.

Please let us know your availability.

Sincerely,

WOMBLE BOND DICKINSON (US) LLP



Brent F. Powell

cc: W. Todd Miller
Amber McDonald